

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RONALD L. WALKUSKI,)	
)	No. CV-10-142-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATED
v.)	MOTION TO REMAND
)	
MICHAEL J. ASTRUE,)	(Ct. Rec. 20)
Commissioner of Social)	
Security,)	
)	
Defendant.)	

The parties have filed a stipulated motion for remand of this case to the Commissioner for further administrative proceedings (Ct. Rec. 20). They have consented to proceed before a magistrate judge (Ct. Rec. 8).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the ALJ will

(1) further consider whether plaintiff's impairment(s) meet or equal a Listed impairment, including 12.03, sections (A) and (B) or section (C);

(2) further consider the opinions of Drs. Pye, Rowe, Goodwin, and Eisenhower;

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1 (3) further consider plaintiff's subjective complaints;

2 (4) further consider plaintiff's RFC;

3 (5) further consider the lay witness testimony of Ms.
4 Dominguez, Marie Walkuski, and J. Dominguez, and

5 (6) with the assistance of a VE, whether plaintiff is able to
6 perform past work, and if not, whether he is able to perform other
7 work in the national economy.

8 Because this remand is pursuant to sentence four of 42 U.S.C.
9 § 405(g) with a remand of the cause to the Commissioner for
10 further proceedings (*See, Melkonyan v. Sullivan*, 501 U.S. 89
11 (1991)), plaintiff is entitled to reasonable attorney's fees and
12 costs pursuant to 28 U.S.C § 2412(a),(d), upon proper request to
13 this Court.

14 Accordingly, this court **reverses** the Commissioner's decision.

15 **IT IS FURTHER ORDERED:**

16 1. The parties' stipulated motion for an order of remand
17 (**Ct. Rec. 20**) is **GRANTED**.

18 2. Judgment shall be entered for the **PLAINTIFF**.

19 3. An application for attorney fees and costs may be
20 filed by separate motion.

21 4. The District Court Executive is directed to enter
22 this Order, forward copies to counsel, and **close** this file.

23 **IT IS SO ORDERED.**

24 **DATED** this 17th day of May, 2011.

25
26 s/James P. Hutton
JAMES P. HUTTON
27 UNITED STATES MAGISTRATE JUDGE

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